

Draft NPDES Phase II Permit for Eastern Washington – Public Comments

Prepared by: City of Wenatchee, City of East Wenatchee, Chelan County, Douglas County

Page 6 – line 16:

Requested Revision: Fire fighting activities should be authorized. Fire fighting training exercises should be authorized unless noted as a significant source of pollutants.

Explanation: Most exercises do not result in pollution. Domestic water chlorine concentrations are insignificant.

Page 6 - line 20:

Requested Revision: Reference to S7.D.4 should be S5.B.3b? The term Special Condition does not exist.

Page 7 – line 15 through line 18:

Requested Revision:

Remove: “all sources contributing to the new stormwater outfall.”

Revision: “New stormwater discharges include new stormwater sources and new stormwater outfalls serving new stormwater sources.”

Explanation: Statement as is would require retrofit of existing stormwater sources.

Page 7 – line 25:

Requested Revision: Include the following “until the permittee adopts equivalent technical standards,”

Explanation: A permit becomes regulation; jurisdictions will implement ordinances or other regulatory mechanisms to comply with the permit.

Page 7 – lines 30-32:

Requested Revision: Remove the last part of the sentence: “.... including the State’s narrative criteria for water quality,”

Page 8 – Footnote #1:

Requested Revision: Remove “but not limited to:” and end the sentence at “... that is obtained.”

Explanation: This note is open-ended as to who can submit the site-specific information. Revise note to ensure that only qualified personnel and applicable information is utilized in determining if additional controls are warranted.

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Page 8 - line 12:

Requested Revision: Remove the word “All”.

Explanation: Who determines what additional controls are necessary? We recommend that they be adopted through a watershed or TMDL plan.

Page 8 – line 27:

Requested Revision: Delete first sentence and revise to “The stormwater management program must be developed and implemented in accordance with an Ecology approved schedule and be fully developed and implemented by the expiration date of this Permit.”

Explanation: This would allow for modifications to the schedule without revising the Permit.

Page 10 – line 27:

Requested Revision: Post a contact person in lieu of posting the report. As an alternate, note on the jurisdictions web-site that the document is available for viewing, with the date that it was submitted to Ecology.

Explanation: Contact the agency directly. Refer also to S8.B.7 in making records available.

Page 11 – line 21:

Requested Revision: Remove and revise to “Non-stormwater discharges covered by an NPDES permit are allowed in the MS4.”

Explanation: Fire fighting activities are covered under S2.C.

Page 11- line 24:

Requested Revision: S5.3.b.iii – Remove and replace with “The following category of non-stormwater discharges of flows shall be addressed where such discharges are identified by the municipality or Ecology as sources of pollutants to waters of the state:”

Another option is to use Michigan’s terminology which states “Non-Storm Water Discharges: The following non-storm water discharges do not need to be prohibited by the permittee unless they are identified as significant contributors of pollutants to the regulated separate storm water drainage system:”

Explanation: The requested revision more closely follows the federal regulation while still enforcing the intent.

Page 12 – line 8:

Requested Revision: Change the word “reduce” to “address”.

Page 12 – line 12:

Requested Revision: Rather than prohibiting these discharges, utilize standards that are acceptable for discharge.

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Explanation: Discharge of large volumes of potable water to a sanitary sewer system is prohibited due to disruption of the plant (because of volume changes).

Page 12 – line 20:

Potable water sources do not need to be dechlorinated when discharged to a MS4 because concentrations are so low (maximum allowable per DOH is 4 ppm) that any available chlorine is consumed almost immediately when discharged from the water system. Dechlorination of potable water should be performed only when discharging directly to a surface water. Change accordingly.

Page 12 - line 22:

Define hyperchlorination with a numerical concentration.

Page 12 – line 24:

Conflicts with Sewer NPDES permits. For example the City of Wenatchee’s N.P.D.E.S. waste discharge permit states: “All of the following are prohibited from discharge to the POTW unless approved in writing by the Department (Ecology) under extraordinary circumstances (such as lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions):

- a. Noncontact cooling water in significant volumes,
- b. Stormwater, and other direct inflow sources,
- c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment, or would not be afforded a significant degree of treatment by the system.”

Page 13 – line 20 – 24:

Requested Revision: Remove sub-section vi.

Support: It is not the responsibility of the local agency to police industrial permits.

Page 13 – line 33:

Reference S5.C3.c.ii and iii should be S5.B

Page 14 – line 6:

Requested Revision: Replace “as well as sanctions” with “appropriate enforcement.”

Page 14 – line 26:

Requested Revision: This note needs follow-up as to the legal ramifications.

Page 15 – line 16:

Requested Revision: Move sub-section “d.” to the Public Education & Outreach section.

Page 15 - line 28:

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Requested Revision: The definition needs to be consistent with line 4, page 1, Appendix 2 as it applies to the threshold for new and re-development.

Explanation: New developments should comply with one acre of ***disturbed ground*** threshold (this should be consistent in Appendix 2 also), and re-development threshold should comply with thresholds contained in Appendix 2, under re-development.

STAKEHOLDER TOPIC:

The definition on Page 1 (Appendix 2) along with the requirements on line 18, page 3 of Appendix 2 would allow for commercial developments to be exempt from stormwater management requirements, based upon being under one acre of disturbed land, but still be above the 5,000 sf of PGIS created or replaced and not be required to implement stormwater management requirements. The result would be that primarily residential areas would be regulated, while commercial developments would be exempt.

Page 16 - line 18:

Requested Revision: Revise to “Each permittee shall define **specific** hydrologic **methods** for....”

Explanation: Jurisdictions should not be limited to only one method being allowable. Different methods may be warranted for different types, sizes and location of projects. This would also fall into professional judgment to be determined by the design professional as approved by the jurisdiction.

Page 16 – line 26:

Requested Revision: This section needs to follow state law with regards to access on private properties.

Page 17 – line 30:

Requested Revision: Move sub-section “e.” to the Public Education & Outreach section.

Page 19 - line 36:

Requested Revision: Remove this section, or clarify intent.

Explanation: Not applicable to the scope of the federal permit.

Environmental/habitat issue not a water quality issue. The current form of this section requires water quality for all new flood management projects. In our geographic area water quality considerations do not make sense when we are dealing with flood management projects. Flood management projects deal with urban stormwater, not natural drainage ways. Many of our flood systems are piped directly to the Columbia River. With the exception of outfall protection there are no water quality concerns in instances of flooding.

Page 25, line 17:

Requested Revision: Add clarification that permittees are not required to conduct water sampling during this permit cycle (as noted in Section 4, lines 35 & 36.)

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Page 26, line 5:

Requested Revision: Allow flexibility in the way that cost tracking is presented and compiled.

Explanation: It will be difficult to break out costs associated with the permit within counties where the permit only applies to specific areas.

Page 26, line 31:

Requested Revision: Delete the word “proposed” in reference to annexations.

Page 29 - line 1:

Requested Revision: G6, Duty to Mitigate. Define the limitations of this requirement.

Page 29 - line 10:

Requested Revision: G9, Monitoring. Add note stating that this section is applicable only where analytical monitoring is required.

Page 30 - line 24:

G12, Revocation of Coverage: Will this be an issue when we have an ordinance to prohibit non-stormwater discharges and have no intention (because it has not been identified as a significant contributor of pollutants) or ability to enforce it?

Page 33 – line 12:

Requested Revision: The definition of “common plan of development or sale” needs additional clarification and define the length of time the standards will apply. Also, will a development be “grandfathered” in under the standards that it was created.

Provide definitions for the following:

MEP

AKART

TMDL

Are the definitions consistent between the Western Washington Permit and the Eastern Washington permit? If not WHY?

Overall Comment:

No later than the effective date of this permit. This would mean that before the permit is issued we would need to be prepared to instantaneously implement aspects of the program.

Appendix 1

Requested Revision: Add a note that the geographic area of coverage is defined by S1.A.2.

Explanation: The Counties area of coverage is only the UA.

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Fact Sheet:

Requested Revision: Ensure that the Fact Sheet supplements and clarifies the intent of the permit and not imply that additional requirements, recommendations or standards are to be met.

Explanation: The recommendations in the Fact Sheet could and/or would fall into MEP or AKART.

It is our understanding that the Fact Sheet is to be modified significantly so our comments regarding the Fact Sheet are limited to this general comment.